

GREGORY W. MEEKS, NEW YORK
CHAIRMAN

SOPHIA A. LAFARGUE
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Seventeenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

March 16, 2022

Dear National Security Advisor Sullivan,

As Members of the China Task Force, we recommend urgent action to address the People's Republic of China's (PRC) ongoing collection and misuse of genomic data. The leading edge of this threat is Beijing Genomics Institute (BGI), the world's largest genomics company, which has deep ties to the PRC government and its industrial programs, the Chinese Communist Party's (CCP) military, and its genocide in Xinjiang. To mitigate this threat, the administration should tighten export controls on items such as genetic samples, DNA sequencing instruments, and other software and semiconductor chips, use the Information Communication Technology and Services Supply Chain Rule (ICTS rule) to protect American's health data, and the Chinese Military-Industrial Complex List (CMIC List) to restrict BGI's access to U.S. investment.

BGI is a clear threat to U.S. national security and foreign policy interests. BGI collects and maps genomic data for the PRC government and runs the National Gene Bank for the PRC government. The company has well-documented and extensive ties to the CCP's military, including research with the National University of Defense Technology and China's top military supercomputing experts.¹ The National Counterintelligence and Security Center determined that the PRC government is exploiting DNA for genetic surveillance and societal control in Xinjiang, which BGI has assisted, and could use American's data to target individuals for manipulation.²

¹ <https://www.reuters.com/article/us-china-genomics-military-exclusive/exclusive-china-gene-firm-providing-worldwide-covid-tests-worked-with-chinese-military-idUSKBN29Z0HA>

²

https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/NCSC_China_Genomics_Fact_Sheet_2021revision20210203.pdf

In addition to the national security and foreign policy concerns, BGI is also a threat to American's sensitive personal data. BGI is aggressively pushing to acquire the health care data and DNA of American citizens.³ BGI is expanding its operations and partnerships in the United States, including with the University of Washington, UC Davis, and the Children's Hospital of Philadelphia. BGI is exploiting the COVID-19 pandemic to heavily promote test kits globally, gathering foreign genetic data. An investigation by *Reuters* found that BGI captured DNA material without consent from women who used a BGI prenatal test sold in Europe and added the DNA material to the China National GeneBank, which BGI manages for the PRC government.⁴ Any American health information collected by BGI has no legal protection against disclosure to the Chinese government—raising significant privacy concerns. As a result, BGI's data is the CCP's data.

We urge the Administration to use existing authorities to pursue a comprehensive and calibrated approach that targets BGI's access to technology, data, and money:

Export Controls: The Commerce Department's Entity List is used to restrict exports to any entity that is “reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States.” Although two BGI subsidiaries are currently on the Entity List, other parts of BGI's corporate nexus have unrestricted access to American goods and technology, including DNA sequencing instruments, components, and semiconductors. Therefore, the Commerce Department must expand these designations to include Shenzhen BGI Technology Co., Ltd (Shenzhen BGI); BGI Genomics Co. Ltd. (BGI Genomics); Shenzhen BGI Forensic Tech Co., Ltd. (BGI Forensics); MGI Tech Co. Ltd.; Wuhan MGI Tech Co., Ltd.; Shenzhen BGI Biomedical Engineering Co., Ltd.; and BGI Tech Solutions (HongKong) Co., Limited.

ICTS Rule: Executive Order 14034 *Protecting Americans' Sensitive Data from Foreign Adversaries* and the subsequent ICTS rule should be used to prohibit BGI's ability to collect and transfer American's sensitive personal data, such as genetic information. Huawei cloud—a clear example of a foreign adversary—appears to be providing BGI Group with automated sequencing and analysis capabilities and data storage, and BGI's ICT network in the PRC would by law be built with PRC hardware and software. As a result, it should be within the scope of the ICTS rule to prohibit any American sensitive data from being collected or transferred by BGI. The Commerce Department should immediately launch an investigation into BGI to further understand its precise operations in the United States.

³ <https://www.cbsnews.com/news/biodata-dna-china-collection-60-minutes-2021-01-31/>

⁴ <https://www.reuters.com/world/china/bgi-prenatal-gene-test-under-scrutiny-chinese-military-links-2021-09-06/>

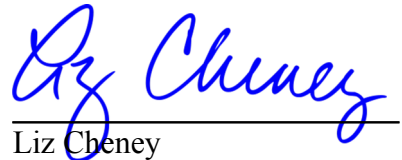
CMIC List: Executive Order 14032 *Addressing the Threat of from Securities Investments that Finance Certain Companies of the People's Republic of China* amended existing authorities to prohibit the purchase or sale of publicly traded securities of Chinese defense or surveillance technology sector companies identified on the Chinese Military-Industrial Complex Companies List (CMIC List). The Treasury Department should use the CMIC List to prohibit investments in BGI or any of its affiliates or subsidiaries. In addition to BGI's connection to the CCP's military, its use of high-tech surveillance against minority groups in Xinjiang by conducting genetic analyses used for their repression is a compelling case to be added to the CMIC list.

We believe this is an urgent issue that requires prompt action. The tools are available to take a whole-of-government approach that imposes consequences on corporate entities that facilitate genocide and military modernization. We request a prompt reply describing how you plan to address this threat.

Sincerely,



Michael T. McCaul
Ranking Member
House Foreign Affairs
Committee



Liz Cheney
Member of Congress



Mike Gallagher
Member of Congress



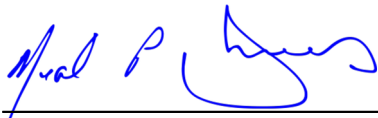
Darin LaHood
Member of Congress



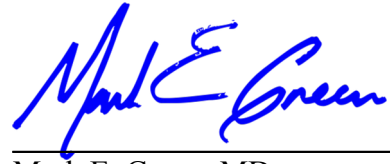
Guy Reschenthaler
Member of Congress



Chris Stewart
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



Mark E. Green, MD
Member of Congress



Mike Garcia
Member of Congress



Austin Scott
Member of Congress



Diana Harshbarger
Member of Congress



Young Kim
Member of Congress